

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ERIC RICHMANN,

Plaintiff,

v.

No.: 2:20-cv-00594-KG-SMV

BNSF RAILWAY COMPANY,  
BOOKER AND JANE DOE MUNN, DOES 1 THROUGH 5,

Defendants.

STIPULATED ORDER REGARDING RULE 35 MEDICAL EXAM

Re: MRI of Lumbar and Cervical Spine

THIS MATTER having come before the Court on the Stipulation of the parties made pursuant to Fed.R.Civ.P. 35, and the Court finding that the parties' Stipulation is well taken, the Court hereby enters its ORDER as follows:

1. On a mutually agreeable date no later than July 15, 2021, Plaintiff Eric Richmann shall submit himself to two Magnetic Resonance Imaging (MRI) study of his lumbar (L1-L5) and cervical spine (C1-C7). One shall be with contrast and the other without contrast. The procedure(s) shall last no more than one hundred twenty (120) minutes.
2. Defendant BNSF Railway Company shall be solely responsible for the cost and expense of obtaining such MRI studies under paragraph 1 of this Order.
3. The MRI imaging shall be performed at Sun View Imaging Services located at 2525 S. Telshor, Las Cruces, NM 88011.
4. The results/report of the MRI imaging studies and original, native imaging files shall be delivered to counsel for BNSF Railway Company, Justin D. Rodriguez, at 201 Third Street NW, Ste. 1850, Albuquerque, NM 87102.

5. Upon receipt of the MRI imaging studies/report and original, native imaging files, counsel for BNSF shall provide true, correct and accurate copies of the same to counsel of Plaintiff.
6. Sun View Imaging Services is authorized to conduct MRI imaging studies with and without contrast of Mr. Richmann's Lumbar spine (L1-L5) and Cervical spine (C1-C7).
7. There will be no additional Fed. R. Civ. P. 35 MRI imaging or studies performed on Mr. Richmann in this case beyond the two Ordered MRI imaging studies here.
8. Sun View Imaging Services is authorized to communicate directly with counsel for BNSF Railway Company, Atkinson, Baker & Rodriguez, P.C., regarding the administration, payment and coordination of the imaging permitted under the Order. Except as set forth in paragraph 4 above, nothing in this Order authorizes Sun View Imaging Services to communicate directly with counsel for BNSF Railway Company, Atkinson, Baker & Rodriguez, P.C., regarding the findings or impressions from this Ordered MRI imaging or any prior MRI imaging performed on Plaintiff Eric Richmann.

IT IS SO ORDERED.

  
UNITED STATES DISTRICT JUDGE

STIPULATED AND APPROVED BY:

By: /s/Julia E. McFall  
Julia E. McFall

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*Attorneys for Defendant BNSF Railway Company*

-AND-

By: /s/ Nathan L. Karlin (via email 7/7/2021)

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